

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

Claims 1, 2, 5, 6, 25, and 28 are amended presently. Claims 3 and 4 are cancelled. New claims 34-38 are added.

Applicant requests that the examiner enter these amendments and new claims because no new matter has been added. Support for the release agent, in particular, can be found in the specification at, e.g., Paragraphs [0032] and [0033]. Other changes, beyond those associated with the release agent, have been made primarily to clarify certain aspects of the claims.

With the foregoing amendments claims 1, 2, and 5-38 are pending in this application.

Objection to the specification

The specification is objected to under 37 CFR §1.71 as failing to provide an adequate written description of the invention. Responsive thereto, claims 1, 2, and 5 have been amended, and claims 3 and 4 have been cancelled. As such, Applicant submits that the scope of the claims, as presently set forth, is commensurate with the written description. Accordingly, Applicant respectfully requests that the objection to the specification be withdrawn.

Rejection under 35 USC § 112, first paragraph

Claims 1-5 are rejected under 35 USC 112, 1st paragraph, as containing subject matter which was not described in the specification in such a way so as to reasonably convey to one skilled in the relevant art that the inventor, at the time of the invention, had possession of the claimed invention. Responsive thereto, claims 1, 2, and 5 have been amended, and claims 3 and 4 have been cancelled. Applicant submits that the scope of the claims, as presently set forth, is commensurate with the written description, as

originally filed. Accordingly, Applicant respectfully requests that the rejection under 35 USC 112, 1st paragraph, be withdrawn.

Rejection under 35 USC § 112, second paragraph

Claims 1-27 are rejected under 35 USC 112, 2nd paragraph, as being indefinite. Responsive thereto, Applicant has amended claims 1, 2, 5, 6, and 25 and has cancelled claims 3 and 4. Applicant submits that present claims 1, 2, and 5-27 are clear and definite and, thus, that the rejection of such claims under 35 USC 112, 2nd paragraph, has been successfully overcome.

Rejections under 35 USC § 102(b)

Claims 1-26 and 28-33 are rejected under 35 USC § 102(c) as being anticipated by Jones (US 2003/0213721). Claims 1-7, 9-16, 18-23, 25, 26, and 28-23 are rejected under 35 USC § 102(c) as being anticipated by Paliotta et al. (US 6,659,280). Responsive thereto, Applicants have amended claims 1, 2, 5, 6, 25, and 28 and has cancelled claims 3 and 4. Applicant submits that present claims 1, 2, 5-26, and 28-33 are now in condition for allowance over Jones '721 or Paliotta et al. '280, taken alone or in combination with any of the other cited references.

Claim 1, as amended, recites in part:

a release agent applied to said gate panel in the vicinity of at least one said gate to prevent adhesion thereof to a corresponding said tab.

Claim 6, as amended, recites in part:

a release agent applied to the gate panel in the vicinity of at least one given gate to prevent adhesion thereof to a corresponding tab.

Claim 25, as amended, recites in part:

a release agent applied to the gate panel in the vicinity of at least one given gate to prevent adhesion thereof to a corresponding tab; ...

Claim 28, as amended, recites in part:

applying a release agent to the gate panel in the vicinity of at least one given gate to prevent adhesion thereof to a corresponding tab; ...

Applicant submits that none of Jones '721, Paliotta et al. '280, or any of the other cited references, taken alone or in combination, teaches or suggests the subject matter of claims 1, 6, 25, and/or 28, as currently presented.

Jones '721 discloses a peel-away child resistant package 300, 400 (Figs. 1-4). The package includes two flaps 8 with a plurality of apertures 5 and two flaps 7 with a plurality of glue tabs 10 and peel away tabs 9, as per Paragraph [0015]. However, Jones '721 is completely silent regarding any sort of release agent being used in conjunction with such a package. Thus, Jones '721 fails to teach or suggest the subject matter of claims 1, 6, 25, and 28, as currently provided.

Paliotta et al. '280 disclose a multi-layered blister package 10 (Fig. 4) including Panels A, B, C, and D. "Panel A includes a plurality of individual tear away panels 22 that are each defined by non-continuous score lines 24." (Column 3, lines 66-67) "Each tear away panel 22 is abuttingly adjacent a corresponding access aperture 26." (Column 4, lines 20-22) "The shape of the access aperture 26 should be chosen ... so that the tear away panel 22 can be removed from the panel A along score lines 24. Panel A forms the back surface of the assembled package 10 when the panels A, B, C, and D are folded onto each other." (Column 4, lines 27-34) "Panel B includes an aperture 42 positioned therein so as to encompass all of the tear away panels 22 when panel B is folded onto panel A ..." (Column 4, lines 35-37) Meanwhile, "panel C includes a plurality of punch outs 52 that correspond to the number of tear away panels 22. Each punch out 52 is aligned with a corresponding tear away panel 22 ..." (Column 4, lines 52-56) In the discussion of Panels A-D and the elements thereof, Paliotta et al. '280 does not discuss or suggest the use of any sort of release agent. Thus, Paliotta et al. '280 fails to teach or suggest the subject matter of claims 1, 6, 25, and 28, as presently set forth.

Accordingly, Applicant submits that claims 1, 6, 25, and 28, as well as those claims depending therefrom, are now in condition for allowance over Jones '721, Paliotta et al. '280, or any of the other cited references, taken alone or in combination, and thus respectfully requests the allowance of such claims.

Rejection under 35 USC § 103(a)

Claim 27 is rejected under 35 USC §103(a) as being unpatentable over Jones '721 or Paliotta et al. '280 in view of Boone (US 4,870,764). However, claim 27 depends from claim 25, which is in condition for allowance for the reasons set forth above. Thus, Applicant submits that claim 27 is also in condition for allowance, the allowance of which is hereby respectfully requested.

New claims

Claims 34-38 are added hereby. The subject matter of such claims is clearly set forth in the specification, as set forth earlier in the remarks. Further, claims 34-38 all depend upon allowable claim 1. Thus, claims 34-38 should be found allowable.

Conclusion

Applicants believe that the present application is in condition for allowance. Favorable consideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If any fees are due in connection with the filing of this Amendment, including any excess claim fees, please charge the fees to 132512. If a fee is required for and extension of time under CFR § 1.136 that is not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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